

Senate Bill 788

Sponsored by Senator HANSELL (at the request of Dr. Andrew Clark)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires petitioners in family law proceedings to disclose existence of certain protective orders entered against parties in petitions for marital annulment, dissolution or separation.

A BILL FOR AN ACT

1
2 Relating to disclosure regarding protective orders in family law proceedings; creating new pro-
3 visions; and amending ORS 107.085.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 107.085 is amended to read:

6 107.085. (1) A suit for marital annulment, dissolution or separation shall be entitled: "IN THE
7 MATTER OF THE MARRIAGE OF (names of parties): PETITION FOR (ultimate relief sought)." The
8 moving party shall be designated as the "Petitioner" and the other party the "Respondent." Nothing
9 in this section shall preclude both parties from acting as "Copetitioners."

10 (2) The petitioner shall state the following in the petition:

11 (a) The names and dates of birth of all of the children born or adopted during the marriage, and
12 a reference to and expected date of birth of any children conceived during the marriage but not yet
13 born;

14 (b) The names and dates of birth of all children born to the parties prior to the marriage;

15 (c) To the extent known:

16 (A) Whether there is pending in this state or any other jurisdiction a domestic relations suit,
17 as defined in ORS 107.510;

18 (B) Whether there is pending in this state or any other jurisdiction any type of support pro-
19 ceeding involving dependents of the same marriage, including one brought under this section or ORS
20 108.110, 109.100, 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; *[and]*

21 (C) Whether there exists in this state or any other jurisdiction a support order, as defined in
22 ORS 110.303, involving dependents of the same marriage; and

23 **(D) Whether there exists in this state or any other jurisdiction a protective order against**
24 **either party as authorized by ORS 30.866, 107.700 to 107.735, 124.005 to 124.040, 163.730 to**
25 **163.750 or 163.760 to 163.777, or any other order that restrains one of the parties from contact**
26 **with the other party or with the parties' minor children; and**

27 (d) That the petitioner acknowledges that by filing the petition the petitioner is bound by the
28 terms of the restraining order issued under ORS 107.093.

29 (3) The petitioner shall include with the petition a certificate regarding any pending support
30 proceeding and any existing support order. The petitioner shall use a certificate that is in a form
31 established by court rule and include information required by court rule and subsection (2)(c)(B) and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (C) of this section.

2 (4) At or prior to the hearing of a suit for marital annulment, dissolution or separation, the
3 moving party or the party attending the hearing shall file with the court a written statement setting
4 forth the full names and any former names of the parties, the residence, mailing or contact addresses
5 of the parties, the ages of both parties, the date and place of the marriage of the parties, and the
6 names and ages of the children born to or adopted by the parties. This information shall be incor-
7 porated in and made a part of the judgment.

8 (5) If real property is involved, the petitioner may have a notice of pendency of the action re-
9 corded at the time the petition is filed, as provided in ORS 93.740.

10 (6) The Social Security numbers of the parties and of the children born or adopted during the
11 marriage and children born to the parties prior to the marriage shall be provided as established in
12 ORS 107.840.

13 **SECTION 2. The amendments to ORS 107.085 by section 1 of this 2015 Act apply to pe-**
14 **titions for marital annulment, dissolution or separation filed on or after the effective date**
15 **of this 2015 Act.**

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